

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MENIFEE COUNTY BOARD OF EDUCATION)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2011-00076
CLARK ENERGY COOPERATIVE, INC.)	
)	
DEFENDANT)	

ORDER

On April 20, 2011, Menifee County Board of Education (“Menifee County”) filed a complaint against Clark Energy Cooperative, Inc. The Defendant having answered the complaint, and the Commission finding that, pursuant to KRS 278.260 and KRS 278.280, a hearing should be scheduled in this matter, IT IS HEREBY ORDERED that:

1. A formal hearing in this matter shall be held on March 21, 2013 at 10:00 a.m. Eastern Daylight Time, or as soon thereafter as it can be heard, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

2. On or before January 15, 2013, each party may file with the Commission, in verified form, the direct testimony of each witness that it expects to call at the formal hearing or any other evidence which the parties plan to introduce at hearing.

3. On or before February 8, 2013, each party may file with the Commission, in verified form, the testimony of each rebuttal witness that it expects to call at the formal hearing.

4. Direct examination of witnesses shall be limited to the authentication and adoption of that written testimony or stipulation.

5. Opposing parties may cross-examine witnesses on both direct and rebuttal testimonies.

6. No opening statements shall be made at the hearing.

7. Copies of all documents served upon any party shall be served on all other parties and filed with the Commission.

8. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

9. Service of any document or pleading shall be made in accordance with 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

10. The official record of these proceedings shall be by video only.

11. As the Complainant bears the burden of proof in this matter, its failure to appear at the formal hearing and to present proof in support of its complaint may result in the dismissal of the complaint with prejudice.

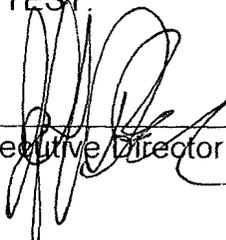
12. The failure of Defendant to appear at the formal hearing may result in the entry of an Order granting the Complainant's requested relief.

13. Any request to cancel or postpone this hearing shall be made by motion filed with the Commission at least one week before the hearing is scheduled to commence.

By the Commission

ENTERED
NOV 29 2012
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2011-00076

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President & CEO
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